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The Honorable Thomas O. Rice

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MILAN RICHARD HAVLIK, JR.,

Plaintiff,

v.

BILL ROBERTS, TAMMI DENNEY  
and RANDAL CLINE,

Defendants.

**NO. 2:22-cv-00096-TOR**

**DECLARATION OF  
SERGEANT RANDAL CLINE  
SUPPORTING DEFENDANTS'  
RESPONSE IN OPPOSITION  
TO PLAINTIFF'S MOTION  
FOR PRELIMINARY  
INJUNCTION PURSUANT TO  
FED. R. CIV. PROC. 65(a)  
(ECF NO. 49)**

**Noted for Hearing On:  
December 19, 2022  
Without Oral Argument**

I, RANDAL CLINE, declare pursuant to the penalties of perjury under the laws of the State of Washington that I am authorized to make this Declaration and

DECLARATION OF SERGEANT  
RANDAL CLINE - Page 1

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1 that the matters set forth in my Declaration are true and correct, based on my  
2 personal knowledge, and I am competent to testify to the matters set forth therein.  
3

4 1. Presently, I am a corrections sergeant for the Okanogan County Jail.  
5

6 2. I have been employed as an Okanogan County Jail corrections  
7 officer for the past nineteen plus (19+) years .  
8

9 3. I have reviewed the Okanogan County Jail file of the above-  
10 referenced Plaintiff which forms the factual basis for my Declaration.  
11

12 4. Any written grievance filed by Mr. Havlik is placed in his jail file  
13 and a particular grievance is responded to in writing.  
14

15 5. The response to the grievance is made at or near the time the  
16 grievance is received by jail staff. The responses to the grievance are kept  
17 in the ordinary course of business and all of the information contained in  
18 my Declaration is based on those responses made to the grievance filed by  
19 Mr. Havlik.  
20

21 6. Mr. Havlik was booked into the Okanogan County Jail on February  
22 9, 2022.  
23

24 7. Mr. Havlik was booked on charges of Illegal Possession of Firearms  
25 First Degree – 2 Counts of Identity Theft Second Degree – 2 Counts of  
26 Forgery – Possession of Stolen Property First Degree and Trafficking  
27 Stolen Property First Degree.  
28  
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DECLARATION OF SERGEANT  
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1 8. On February 19, 2022, the Plaintiff filed a request for being placed  
2 on a kosher diet.  
3

4 9. On February 22, 2022, I interviewed Mr. Havlik regarding his  
5 grievance. Attached to my Declaration and marked as **Exhibit No. 1**,  
6 incorporated herein as if fully set forth, is a true and accurate copy of the  
7 narrative report of that interview.  
8  
9

10 10. I asked Mr. Havlik what his religion is and he stated he was Jewish  
11 Orthodox.  
12

13 11. I administered basic questions to the Plaintiff about the Jewish faith  
14 but he was unable to explain his beliefs as a Jewish Orthodox individual.  
15

16 12. The Plaintiff stated he converted to a kosher diet in 2015 while at a  
17 correctional facility in Florida.  
18

19 13. Mr. Havlik admitted that he does not attend Jewish faith services,  
20 claiming it was based on him being homeless.  
21

22 14. Mr. Havlik responded to a question that the last time he practiced his  
23 religion was at Milton Corrections in Florida in the year 2015.  
24

25 15. Mr. Havlik was unable to answer the question of what is the day of  
26 the Sabbath?  
27

28 16. The Plaintiff, at the time of his booking, did not request a special diet  
29 on the intake questionnaire.  
30



1 17. Following the above interview and due to the Plaintiff's responses to  
2 the questionnaire, I denied his request for the Kosher Diet on February 22,  
3 2022.  
4

5  
6 18. On February 22, 2022, the Plaintiff filed a grievance regarding my  
7 decision, claiming that he had received a kosher diet while incarcerated at  
8 the Florida Department of Corrections. The grievance was reviewed by the  
9 Director of the Okanogan County Jail and Sergeant Bill Roberts was  
10 instructed to contact the Florida Department of Corrections for records.  
11

12  
13 19. Sergeant Roberts attempted to contact the Florida Department of  
14 Corrections on three separate occasions, once via phone and twice via  
15 email. As of March 17, 2022, there has been no response and we have  
16 received no records to validate or verify whether Mr. Havlik was on a  
17 kosher diet while incarcerated in Florida.  
18

19  
20 20. Based on the lack of response from the Florida Department of  
21 Corrections, and the inability to confirm Havlik's claim, his request was  
22 taken at face value and his diet was changed to the Least Restrictive  
23 Alternative which specifically included that he would not be presented with  
24 any foods that contained pork.  
25

26  
27 21. On March 17, 2022, Mr. Havlik was advised of the change in his diet  
28 request, and he was told that, due to the jail facility's infrastructure and  
29  
30

1 inability to prepare kosher food products, the Least Restrictive Alternative  
2 diet would be provided. Mr. Havlik agreed to this diet and his grievance  
3 was closed.  
4

5  
6 22. The Plaintiff, on March 29, 2022, reneged on his agreement to accept  
7 the Least Restrictive Alternative/no pork option and, again, grieved his diet  
8 placement.  
9

10 23. Despite Mr. Havlik's proclamation of his Jewish faith, he has placed  
11 orders through the jail Commissary and purchased items that are not  
12 kosher.  
13

14  
15 24. Mr. Havlik was advised that he would remain on the Least  
16 Restrictive Alternative diet and the matter was closed.  
17

18 25. In dealing with Mr. Havlik's Least Restrictive Alternative "no pork"  
19 diet, the kitchen staff has confirmed that he has been on a "no pork"  
20 alternative diet since March 2022. His picture is marked as "no pork" for  
21 all staff to review when doing the tray count.  
22

23  
24 26. The Okanogan County Jail does not have a specific list or menu for  
25 Least Restrictive Alternative diets.  
26

27 27. The cooks at the Okanogan County Correctional Facility go off of  
28 dietary ingredients for a particular food item.  
29  
30

1 Signed this 30 day of November, 2022, at OKANOGAN, Washington.  
2  
3

4 Sgt Randal J. Cline  
5 Sergeant Randal Cline, Okanogan County Jail  
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10 WCRP05-002538 PLE DEC CLINE SLPP RESP TO MIN FOR PRELIM INJUNCTION-112922  
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DECLARATION OF SERGEANT  
RANDAL CLINE - Page 6

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**CERTIFICATION OF SERVICE**

I declare under penalty of perjury under the laws of the State of Washington that on December 1, 2022, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Eastern District of Washington using the CM/ECF system which will send notification of such filing to:

And I certify that I have mailed by United States Postal Service the foregoing to the following non CM/ECF participants:

Milan Richard Havlik, Jr., 119364  
Okanogan County Jail  
149 N. 4<sup>th</sup> St.  
Okanogan, WA 98840

Signed at Wenatchee, Washington on December 1, 2022.

/s/ Patrick McMahon  
PATRICK MCMAHON, WSBA #18809

OKANOGAN COUNTY JAIL  
INCIDENT REPORT

DATE: 02/22/22

INCIDENT: KOSHER MEALS

INMATE: HAVLIK, MILAN #11936

On February 22, 2022 at approximately 0700 HRS I spoke to inmate Havlik, Milan about a grievance he filed. Havlik states in his grievance he requested a Kosher diet and we have not accommodated him. I asked Havlik what his religion is and he stated he was Jewish Orthodox. I then researched some very basic questions and went back to his cell and asked him these questions. The questions and answers are as follow.

What religion are you?  
Jewish Orthodox

Please explain your beliefs as a Jewish Orthodox?  
Havlik could not explain any part of his beliefs. He simply stated he didn't understand the question multiple times.

When did you first convert to a Kosher Diet?  
2015 in Milton Corrections, Florida

Do you only eat Kosher food?  
Yes, no pork, nothing with blood in it. No cleft hoof animals.

Where do you buy your food at.  
Genes in Omak.

What food do you buy? Specifically  
They have a kosher section. Salted Crackers mostly.

What is the Torah?  
The bible.

What is the day of the Sabbath?  
The day of atonement.

Do you attend any church?  
No, I'm homeless.

When was the last time you practiced your religion.  
At Milton Corrections in Florida. 2015

It is my opinion inmate Havlik may have been on a Kosher diet in the facility in Florida. However, by his own statement he has not practice his religion since 2015. Havlik did not request a special diet when asked that question at intake. Havlik could not answer basic questions about his religion such as "What is the day of the Sabbath" or even explain basic beliefs of someone who is Jewish Orthodox. It my opinion Havlik should be denied his request to be on a kosher diet.

Sgt. Randal J. Cline

CC:  
CCD DENNEY J1  
INCIDENT LOG  
INMATE FILE  
MEDICAL FILE

EXHIBIT 1